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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 15 2022

SEAN F. McAVOY, CLERK DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON, ex
rel, and DAVID YAM, M.D., an
individual and as relator,

No. 4:20-cv-05004-SMJ

FILED UNDER SEAL

UNITED STATES' NOTICE OF
SETTLEMENT

Plaintiffs,

v.

PROVIDENCE HEALTH & SERVICES,
a Washington non-profit corporation,
d/b/a PROVIDENCE ST. MARY
MEDICAL CENTER,

Defendant.

THE UNITED STATE'S NOTICE OF SETTLEMENT

On January 13, 2022, the United States filed its Notice of Election to Intervene in this matter and requested that the seal in this matter be extended for 60 days to and including March 15, 2022, to allow for the parties to finalize settlement of this matter. (ECF No. 16). The United States now notifies this Court that the United States, the State of Washington, the Relator, and Providence Health and Services ("Providence"), have entered into a final settlement agreement resolving the

1 Realtor's False Claims Act claims against Providence under 31 U.S.C. § 3729(1)(A)
2 and (B) and the Medicaid Fraud False Claims Act under RCW 74.66.020(1)(a) and
3 (b) (herein "the substantive claims"). The United States and the State of Washington
4 have also reached a final settlement with the Relator regarding the Relator's share
5 under 31 U.S.C. § 3730(d) (herein "the relator's share"). The United States has been
6 advised by the Relator and Providence that they continue to work diligently to reach
7 a final agreement regarding the Relator's claims for attorney fees under 31 U.S.C.
8 § 3730(d) and the Relator's claims for retaliation under 31 U.S.C. § 3730(h)(1) and
9 RCW 74.66.090(1) as well as the Relator's Wrongful Wage Withholding claim
10 under RCW 49.52.050, (herein "the Relator-Providence claims").

11 The final settlement agreement between the parties resolving the substantive
12 claims and the relator's share, (herein "the final settlement agreement") provides for
13 payment of the agreed upon settlement amount by Providence within fourteen (14)
14 days of the effective date of the final settlement agreement. In order to allow
15 sufficient time for Providence to pay the United States and the State of Washington
16 as required under the final settlement agreement, and to allow for sufficient time
17 thereafter for the United States and the State of Washington to provide payment of
18 the Relator's share as agreed, as well as to allow the United States sufficient time to
19 coordinate informing the public of the resolution, the United States requests that the
20 seal of this matter be extended to April 11, 2022.

21 In advance of April 11, 2022, the United States intends to work directly with
22 the Court's staff to coordinate the appropriate time of the unsealing of this matter on
23 April 11th. In order to facilitate that coordination, upon payment of all amounts
24 called for in the final settlement agreement, the United States, the State of
25 Washington, and the Relator will at that time file a joint notice of voluntary
26 dismissal. An order dismissing this action and providing for the lifting of the seal
27 will accompany that joint notice of voluntary dismissal. Under the terms of the final
28 settlement agreement, the dismissal will be with prejudice as to the Relator as to the

1 substantive claims, with prejudice as to the United States and the State of
2 Washington as to the substantive claims to the extent provided by the covered
3 conduct as defined and agreed to in the final settlement agreement, and without
4 prejudice as to the United States and the State of Washington with regard to any of
5 the substantive claims not within the covered conduct as defined and agreed to in the
6 final settlement agreement. If at that time the Relator and Providence are still
7 negotiating the Relator-Providence claims, the voluntary dismissal and requested
8 order would allow for this Court to retain jurisdiction over the Relator-Providence
9 claims. The United States has informed all parties of the request to keep this matter
10 under seal to April 11, 2022, and the request is unopposed.

RESPECTFULLY SUBMITTED this 15th day of March, 2022.

Tyler H.L. Tornabene
United States Attorney

Tyler H.L. Tornabene
Daniel Hugo Fruchter
Assistant United States Attorneys
Attorneys for Plaintiff United States

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 15, 2022, a true and correct copy of the foregoing was sent by reliable electronic means to counsel for the Relator as follows:

McNAUL EBEL NAWROT & HELGREN, PLLC

Malaika M. Eaton Email: MEaton@mcnaul.com
Daniel M. Weiskopf Email: DWeiskopf@mcnaul.com
James G. Diehl Email: JDiehl@mcnaul.com

Because this action is under seal pursuant to 31 U.S.C. § 3729, *et seq.*,

Defendant has not been served with copies of the foregoing Notice.

Tyler H.L. Tornabene
Tyler H.L. Tornabene
Assistant United States Attorney